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TOWN OF CARLISLE

OFFICE OF Zoning Board of Appeals

**66 Westford Street
Carlisle, MA 01741
978-369-5326**

Minutes: Board of Appeals, January 7, 2019

Call to Order

The meeting was called to order at 7:30 p.m. in the Town Hall, 66 Westford Street. Chair Snell advised those present that the hearing was being recorded and asked if anyone present was also recording the hearing. Helen Lyons, reporter for the Mosquito, indicated that she was recording the hearing.

Roll Call and Declaration of Quorum

Chair Snell recognized the required quorum of Members. Present were Travis Snell (Chair), Manuel Crespo (Clerk), Steven Hinton, Associate Members, Gretchen Anderegg and Eric Adams.

Statement of Compliance

The issue of compliance regarding posting of the hearing was confirmed by the Chair. According to Secretary Wang, the Meeting Agenda was posted in Town Hall on January 2, 2019.

Public Comment – Approval of Agenda

Chair Snell asked those present if there were any matters other than those listed on the agenda which the public would like to add to the agenda. When none were offered, the agenda was accepted.

Acceptance of Prior Minutes

The Board voted to accept the minutes from November 5, 2018 as amended.

Old Business – Hearing for case 1701

The Board reopened the hearing continued on November 5, 2018 for the application of Angus Beasley requesting a Special Permit to rebuild the house and barn increasing the overall footprint on an existing non-conforming lot, being .528 acres where 1 acre is required under Zoning Bylaw Section 4.1.1.1. The property is located in the Residence A Historic District at 21-23 Bedford Road.

Secretary Wang reported that the Applicant has requested a continuance.

New Business – Hearing for case 1901

Chair Snell opened the public hearing for case 1901, the application of H. Larue Renfroe requesting a review of the Special Permit in effect (Case 7902) and continued under Case 1311. The property is located in the Residence District B at 68-84 South Street (Assurance Technology Corporation).

Present were the Applicant's representative, Chip Orcutt, Secretary Peggy Wang, Mosquito reporter Helen Lyons and members of the public. Secretary Wang reported that no correspondence had been received regarding the application.

Applicant's Testimony

Property manager for South Street Realty Trust, Chip Orcutt, appeared before the Board. He reported that there have been no changes in the business operations since the 2013 review of the business known as Assurance Technology Corporation. Mr. Orcutt stated that the conditions set forth in the 2013 decision were adequate.

Board's comments

The Board inquired about the residential rental units and it was determined that there are two (2) units located in what was defined as the “Barn” or 96 and 98 South Street. According to Mr. Orcutt there had been residential rental units in the “Brick Building” or 68 South Street until 2007. After a fire in 2007, the space in the “Brick Building” was converted from residential rental units to business offices.

The Board discussed the Renfro Family LLC commercial real estate businesses “Doing Business As” Damonmill Square Properties, Sudbury Road Realty and Monument Square Realty. These DBA’s were issued by the Town Clerk of Carlisle under the address of 84 South Street. The Board determined that these businesses, as part of the Renfro Family LLC business, were operating within the umbrella of the corporation.

Public comments: Chair Snell asked those present if there were any comments. When none were offered, the public hearing was closed.

Deliberations and Decision

The Board deliberated the case and determined that the business known as Assurance Technology Corporation is operating within the conditions in effect (Case 7902) and continued under Case 1311. Member Hinton made the motion to renew the Special Permit with the same findings and conditions defined in Case 1311 with a five (5) year review of conditions. Member Adams seconded the motion and all voted 3-0 in favor of the motion, Snell (aye), Hinton (aye) and Anderegg (aye). Non-voting Members also voted 2-0 in favor of the motion, Davis Lewis (aye) and Adams (aye).

Appeals

The Applicant was advised that the written Decision will be prepared and signed within fourteen (14) days. A copy of the signed Decision will be mailed to the Applicant and abutters at which time the twenty (20) day appeal period begins. At the end of the appeal period, if no appeal is filed, the Applicant will receive an original signed copy of the Decision which must be recorded with the Register of Deeds in Lowell, MA and shall be filed with Building Department before becoming final.

Hearing for case 1902

Chair Snell opened the public hearing for case 1902, the application of Richard West requesting a Special Permit in accordance to Zoning Bylaw Section 6.3 to build a sunroom on a non-conforming lot being less than one (1) acre were two (2) acres are require under Section 4.1.1.2. The property is located in the Residence District B at 532 South Street.

Present were the Applicant, Secretary Wang, Mosquito reporter Helen Lyons and members of the public. Secretary Wang reported that abutters Jane Bassett, 545 South Street and Karin Lemmermann, 548 South Street submitted letters in support of the proposed addition.

Applicant's testimony

The Applicant, Richard West, presented his plan to build a sunroom with a re-circulating pool for medical reasons. He explained that the sunroom would have electricity and heat. The heat is necessary to keep the room warm while preparing for the therapeutic treatment in the re-circulating pool.

Board's comments

The Board reviewed the plans and determined that the propose 20 foot by 22.6 foot structure would increase the habitable space by 452 square feet. According to a decision in 2016, case number 1602, any future expansion must be limited to 272 square feet. The Board explained to the Applicant their reluctance in granting a Special Permit that would exceed the 50% expansion limitation rule, in this case it would be 180 square feet over the limit.

The Board discussed two options with the Applicant that would keep the structure from increasing habitable space beyond the 50% expansion limitation rule; reduce the size of the propose structure or look in to the possibility that the re-circulating pool could generate enough heat for the sunroom. The Applicant said he would discuss the possibilities with the Building Inspector.

Chair Snell offered to contact Town Counsel to determine if a Variance might be acceptable in this situation.

Public comments

The Chair asked if there were any public comments regarding the application and none were given.

Continuance

At the request of the Applicant the public hearing was continued to February 4, 2019.

Adjournment

Chair Snell asked those present if there were any additional issues to discuss. When none were offered the meeting adjourned at 8:30 pm.

Respectfully submitted
Peggy Wang